

AS

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 96-191-C - ORDER NO. 96-805

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NOVEMBER 20, 1996

IN RE: Application of Info-Tel, Inc. DBA ) ORDER  
Tel-Info, Inc. for a Certificate of ) APPROVING  
Public Convenience and Necessity to ) CERTIFICATE  
Provide Intrastate Resold Telecommuni- )  
cations Services within the State of )  
South Carolina. )

This matter comes before the Public Service Commission of South Carolina (the "Commission") by way of the Application of Info-Tel, Inc. DBA Tel-Info, Inc. ("ITI" or the "Company") requesting a Certificate of Public Convenience and Necessity authorizing it to operate as a reseller of intrastate interexchange telecommunications services in the State of South Carolina. The Company's Application was filed pursuant to S.C. Code Ann. §58-9-280 (Supp. 1995) and the Regulations of the Public Service Commission of South Carolina.

The Commission's Executive Director instructed ITI to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the affected areas. The purpose of the Notice of Filing was to inform interested parties of ITI's Application and of the manner and time in which to file the appropriate pleadings for participation in the proceeding. ITI complied with this instruction and provided the Commission with proof of publication

of the Notice of Filing. A Petition to Intervene was filed by the Consumer Advocate for the State of South Carolina (the "Consumer Advocate"). Subsequently, the Consumer Advocate notified the Commission that the Company had agreed to modify its Application and tariff to comport with a request by the Consumer Advocate. Such modifications would render the filing consistent with prior dockets. Therefore, the Consumer Advocate elected to not participate in the scheduled hearing.

A hearing was commenced on October 22, 1996, at 11:00 a.m., in the Commission's Hearing Room. The Honorable Guy Butler, Chairman, presided. ITI was not represented by counsel. Catherine D. Taylor, Staff Counsel, represented the Commission Staff.

Robert A. Wagner, Vice President of Operations for ITI, appeared and offered testimony in support of ITI's Application. Mr. Wagner stated that ITI is a Colorado corporation which is registered to do business in South Carolina as a foreign corporation. According to Mr. Wagner, ITI proposes to offer long distance services using resold transmission services of carriers certificated to carry traffic in South Carolina. Mr. Wagner explained the Company's request for authority to provide interexchange telecommunications services in South Carolina as a reseller. The record reveals the Company's services, operations and marketing procedures.

Mr. Wagner also explained that ITI possesses the technical, financial and managerial abilities to provide its services in South Carolina. Mr. Wagner further testified that the Company would make

certain changes to its proposed tariff to comply with Commission guidelines and prior Orders.

Mr. Wagner admitted during the hearing that ITI had completed incidental long distance calls previously in South Carolina. He stated that the service was provided inadvertently through six hotels, and that the total revenue for the calls was approximately \$1,000. Mr. Wagner requested that the Commission waive the refund requirement; however, if the requirement was not waived, he stated that the Company would comply with the Commission's Order.

After full consideration of the applicable law, the Company's Application, and the evidence presented at the hearing, the Commission hereby issues its findings of fact and conclusions of law:

FINDINGS OF FACT

1. ITI is incorporated under the laws of the State of Colorado and is licensed to do business as a foreign corporation in the State of South Carolina by the Secretary of State.

2. ITI operates as a non-facilities based reseller of interexchange services and wishes to provide its services in South Carolina.

3. ITI has the experience, capability, and financial resources to provide the services as described in its Application.

4. ITI has previously carried some intrastate long distance calls in South Carolina prior to its certification.

CONCLUSIONS OF LAW

1. Based on the above findings of fact, the Commission determines that a Certificate of Public Convenience and Necessity should be granted to ITI to provide intrastate interLATA service and to originate and terminate toll traffic within the same LATA, as set forth herein, through the resale of intrastate Wide Area Telecommunications Services (WATS), Message Telecommunications Service (MTS), Foreign Exchange Service, Private Line Service, or any other services authorized for resale by tariffs of carriers approved by the Commission.

2. The Commission adopts a rate design for ITI for its resale services which includes only maximum rate levels for each tariff charge. A rate structure incorporating maximum rate levels with the flexibility for adjustment below the maximum rate levels has been previously adopted by the Commission. In Re: Application of GTE Sprint Communications Corporation, etc., Order No. 84-622, issued in Docket No. 84-10-C (August 2, 1984).

3. ITI shall not adjust its rates below the approved maximum level without notice to the Commission and to the public. ITI shall file its proposed rate changes, publish its notice of such changes, and file affidavits of publication with the Commission two weeks prior to the effective date of the changes. However, the public notice requirement is waived, and therefore not required, for reductions below the maximum cap in instances which do not affect the general body of subscribers or do not constitute a general rate reduction. In Re: Application of GTE Sprint

Communications, etc., Order No. 93-638, issued in Docket No. 84-10-C (July 16, 1993). Any proposed increase in the maximum rate level reflected in the tariff which would be applicable to the general body of the Company's subscribers shall constitute a general ratemaking proceeding and will be treated in accordance with the notice and hearing provisions of S.C. Code Ann. §58-9-540 (Supp. 1995).

4. ITI shall file its revised maximum tariff and an accompanying price list within thirty (30) days of the date of this Order. The revised tariff shall be consistent with the findings of this Order and shall be consistent with the Commission's Rules and Regulations.

5. ITI is subject to access charges pursuant to Commission Order No. 86-584, in which the Commission determined that for access purposes resellers should be treated similarly to facilities-based interexchange carriers.

6. With regard to the Company's resale of service, an end-user should be able to access another interexchange carrier or operator service provider if the end-user so desires.

7. ITI shall resell the services of only those interexchange carriers or LECs authorized to do business in South Carolina by this Commission. If ITI changes underlying carriers, it shall notify the Commission in writing.

8. With regard to the origination and termination of toll calls within the same LATA, ITI shall comply with the terms of Order No. 93-462, Order Approving Stipulation and Agreement, in

Docket Nos. 92-182-C, 92-183-C, and 92-200-C (June 3, 1993).

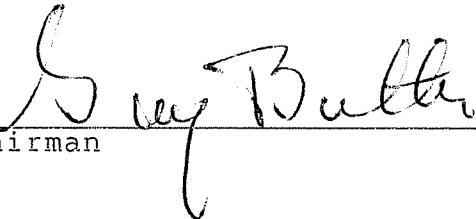
9. ITI shall file surveillance reports on a calendar or fiscal year basis with the Commission as required by Order No. 88-178 in Docket No. 87-483-C. The proper form for these reports is indicated on Attachment A.

10. ITI's previous intrastate revenues do not need to be refunded to its customers. At this time we waive the refund requirement since the Company inadvertently carried the traffic and since it was of low volume.


11. The Company shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relation (complaint) matters, engineering operations, tests and repairs. In addition, the Company shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. ITI shall file the names, addresses and telephone numbers of these representatives with the Commission within thirty (30) days of receipt of this Order. Further, the Company shall promptly notify the Commission in writing if the representatives are replaced, and the Company is directed to comply with the Commission regulations unless waived by the Commission.

12. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Deputy Executive Director

(SEAL)

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NOVEMBER 20, 1996  
ATTACHMENT A

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ANNUAL INFORMATION ON SOUTH CAROLINA OPERATIONS  
FOR INTEREXCHANGE COMPANIES AND AOS'S

COMPANY NAME \_\_\_\_\_

FEI NO. \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP CODE \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_

- (1) SOUTH CAROLINA OPERATING REVENUES FOR THE 12 MONTHS ENDING  
DECEMBER 31 OR FISCAL YEAR ENDING \_\_\_\_\_.
- (2) SOUTH CAROLINA OPERATING EXPENSES FOR THE 12 MONTHS ENDING  
DECEMBER 31 OR FISCAL YEAR ENDING \_\_\_\_\_.
- (3) RATE BASE INVESTMENT IN SOUTH CAROLINA OPERATIONS\* FOR 12  
MONTHS ENDING DECEMBER 31 OR FISCAL YEAR ENDING \_\_\_\_\_.
- \* THIS WOULD INCLUDE GROSS PLANT, ACCUMULATED DEPRECIATION,  
MATERIALS AND SUPPLIES, CASH WORKING CAPITAL, CONSTRUCTION  
WORK IN PROGRESS, ACCUMULATED DEFERRED INCOME TAX,  
CONTRIBUTIONS IN AID OF CONSTRUCTION AND CUSTOMER DEPOSITS.
- (4) PARENT'S CAPITAL STRUCTURE\* AT DECEMBER 31 OR FISCAL YEAR  
ENDING \_\_\_\_\_.
- \* THIS WOULD INCLUDE ALL LONG TERM DEBT (NOT THE CURRENT PORTION  
PAYABLE), PREFERRED STOCK AND COMMON EQUITY.
- (5) PARENT'S EMBEDDED COST PERCENTAGE (%) FOR LONG TERM DEBT AND  
EMBEDDED COST PERCENTAGE (%) FOR PREFERRED STOCK AT YEAR ENDING  
DECEMBER 31 OR FISCAL YEAR ENDING \_\_\_\_\_.
- (6) ALL DETAILS ON THE ALLOCATION METHOD USED TO DETERMINE THE  
AMOUNT OF EXPENSES ALLOCATED TO SOUTH CAROLINA OPERATIONS AS  
WELL AS METHOD OF ALLOCATION OF COMPANY'S RATE BASE INVESTMENT  
(SEE #3 ABOVE).

SIGNATURE \_\_\_\_\_

NAME (PLEASE TYPE OF PRINT) \_\_\_\_\_

TITLE \_\_\_\_\_